

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the natural parent and guardian of J.I., JUWAN HARRINGTON, CYDNEEA HARRINGTON, KENYA WALTON, individually and as the natural parent and guardian of R.W., ZIYEL WHITLEY, DYAMOND WHITLEY, KAMISHA WHITLEY, NANETTA GRANT as the natural parent and guardian of Z.G., and EMANCIPATE NC, INC.,)
Plaintiffs,)
v.)
THE CITY OF RALEIGH, OFFICER OMAR I. ABDULLAH, SERGEANT WILLIAM ROLFE, OFFICER RISHAR PIERRE MONROE, OFFICER JULIEN DAVID RATTELADE, OFFICER MEGHAN CAROLINE GAY, JOHN and JANE DOE OFFICERS 1-10, in their individual capacities, Chief of Police ESTELLA PATTERSON, and City Manager MARCHELL ADAMS-DAVID, in their official capacities,)
Defendants.)

CITY OF RALEIGH'S MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE PLEAD IN RESPONSE TO PLAINTIFFS' AMENDED COMPLAINT

Defendant City of Raleigh moves the Court, pursuant to Fed. R. Civ. P. 6(b) and Local Civil Rule 6.1, for an extension of time to file and serve an answer, pleadings, or motions in response to Plaintiffs' Amended Complaint. In support of this motion, the City respectfully shows the Court the following:

1. Plaintiffs, except for Emancipate NC, Inc., filed their original Complaint [D.E. 2] on February 22, 2022.

2. The City waived service of summons on March 1, 2022 [D.E. 10] and filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) [D.E. 32] on April 29, 2022.

3. Plaintiffs filed their Amended Complaint on May 16, 2022, adding additional parties to this action: Plaintiff Emancipate NC, Inc. and Defendants Raleigh Police Chief Estella Patterson and Raleigh City Manager Marchell Adams-David in their official capacities only. Plaintiffs also made substantive changes to the original Complaint including additional allegations and claims against the City and the new official capacity defendants.

4. Rule 15(a)(3) establishes a 14-day deadline for a defendant to respond to an amended complaint. The City requires additional time beyond those fourteen days to respond to Plaintiffs' Amended Complaint. Accordingly, the City respectfully requests a thirty (30) day extension to the current deadline, which would allow Defendants through and including Thursday, June 30, 2022, to file an answer or otherwise plead in response to Plaintiffs' Amended Complaint.

5. This Motion is being filed in good faith and not for the purpose of delaying this action. No scheduling order has yet been entered. As such, granting this motion will not interfere with any scheduled deadline.

6. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for the City consulted with counsel for Plaintiffs regarding Plaintiffs' position on this motion. Plaintiffs have consented to an extension of time to June 30, 2022 for all Defendants to plead in response to their Amended Complaint, including the Defendant City of Raleigh.

7. The City respectfully submits that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Defendant City of Raleigh moves the Court for a thirty (30) day extension of time to file an answer or otherwise plead in response to Plaintiffs' Amended Complaint, until and including **Thursday, June 30, 2022.**

This the 25th day of May, 2022.

CITY OF RALEIGH
Robin L. Tatum, City Attorney

By: /s/ Dorothy V. Kibler
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guardian of R.W., ZIYEL WHITLEY,)
DYAMOND WHITLEY, KAMISHA)
WHITLEY, NANETTA GRANT as the)
natural parent and guardian of Z.G., and)
EMANCIPATE NC, INC.,)
Plaintiffs,)
)

v.)
)

THE CITY OF RALEIGH, OFFICER OMAR)
I. ABDULLAH, SERGEANT WILLIAM)
ROLFE, OFFICER RISHAR PIERRE)
MONROE, OFFICER JULIEN DAVID)
RATTELADE, OFFICER MEGHAN)
CAROLINE GAY, JOHN and JANE DOE)
OFFICERS 1-10, in their individual)
capacities, Chief of Police ESTELLA)
PATTERSON, and City Manager)
MARCHELL ADAMS-DAVID, in their)
official capacities,

CERTIFICATE OF SERVICE

Defendants.

I hereby certify that on May 25, 2022, I electronically filed the foregoing Motion to Extend Time with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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Respectfully submitted,

CITY OF RALEIGH
Robin L. Tatum, City Attorney

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